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PATENT APPLICATION
Serial No. 09/509,391
Atty. Docket No. 702-000648

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 1655 :

In re application of :

Jeroen KRIJGSVELD et al. :

Serial No. 09/509,391 :

Filed July 7, 2000 :

Examiner – Janell Taylor Cleveland :

**ISOLATED AND RECOMBINANT
ANTIMICROBIAL PEPTIDES
THROMBOCIDIN-1 (TC-1) AND
THROMBOCIDIN-2 (TC-2) OR
VARIANTS THEREOF**

Pittsburgh, Pennsylvania
October 22, 2001

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ELECTION WITH TRAVERSE

BOX NON FEE AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated September 21, 2001, Applicants submit the following response and remarks:

The Examiner asserts that the application contains claims drawn to three inventions or groups of inventions: peptides (Group I, containing claims 1-12 and 16-17), the use of peptides (Group II, containing claims 13-15 and 18-20), and the use of a histag sequence (Group III, containing claim 21).

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on October 22, 2001.

Kimberly N. Welday
(Name of Registered Representative)

Signature

10/22/2001

Date

Applicants provisionally elect the claims of Group I (claims 1-12 and 6-17) with traverse, in part. The Examiner has stated that the claims are not drawn to a single special technical feature. However, we note that Groups I and II share a technical feature. Claims 1-12 are related to antimicrobial peptides, not to the peptides alone; and claims 13-15 and 18-20 relate to the antimicrobial use of these peptides, i.e., the use of these peptides in the treatment of infections caused by several microbes (bacteria and/or fungi). The antimicrobial nature of the claimed peptides is specifically recited in the preamble of claim 1; the remaining claims of Group I depend from claim 1. Therefore, the claims of Groups I and II share a function, and that election of these two groups with a shared function should be permitted. Claims drawn to the same function do not meet the criteria given for independent inventions under PCT Rule 13.1. In view of the foregoing the applicants respectfully request that the requirement of election between the claims of Groups I and II be withdrawn upon reconsideration.

In view of the above amendment, remarks and response to the restriction requirement, claims 1 to 20 are believed to be in condition for allowance. Allowance of claims 1-20 is respectfully requested.

Respectfully submitted,

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Attorney's Docket No. 702-000648

1655

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AMENDMENT TRANSMITTAL LETTER

BOX NON-FEE AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Serial No.: 09/509,391

Filing Date: July 7, 2000

Examiner: Janell Taylor Cleveland

Group Art Unit: 1655

Invention: ISOLATED AND RECOMBINANT ANTIMICROBIAL PEPTIDES THROMBOCIDIN-1 (TC-1) AND THROMBOCIDIN-2 (TC-2) OR VARIANTS THEREOF

Transmitted herewith is an Amendment in the above-identified application.

Small entity status of this application under 37 CFR 1.27 has been established by a verified statement previously submitted.

A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

No additional fee is required.

The fee has been calculated as shown below:

No of Claims	Highest No.	Small	Non-Small
After	Previously	Entity	Entity
Amendment	Paid For	Present	Rate
Total <u>14</u>	<u>20</u>	<u>0</u>	x \$ <u>9.00</u>
Indep. <u>2</u>	<u>2</u>	<u>0</u>	x \$ <u>40.00</u>
First Presentation of Multiple Dependent Claim/s			+ \$135.00
			+ \$270.00
			TOTAL ADDITIONAL FEE
			\$ 0.00

A check in the amount of \$____ is enclosed to cover the filing fee of the Notice of Appeal.

A check in the amount of \$____ is enclosed for a ____-month Petition for Extension of Time.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. An original and two copies of this sheet are enclosed.

Any additional filing fees required under 37 CFR 1.16.

Any patent application processing fees under 37 CFR 1.17.

October 22, 2001

Date

By

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